

## REMARKS

Claims 1-18, 20-21, 23, and 31-40 are currently pending in this application. Claims 1, 9, 17, 21, 31, 32, 33, 34, and 38 are amended herein. These amendments were not presented earlier because Applicants did not anticipate the Examiner's interpretation of the claims. Applicants respectfully request entry of the amendments as raising no new issues.

### **Indefiniteness Rejection of Claim 38**

The Examiner rejected Claim 38 as being indefinite under 35 U.S.C. § 112, second paragraph, for lack of antecedent basis for "the XML file." Applicant has amended Claim 38 to be dependent upon Claim 37, and thus the rejection is overcome.

### **Anticipation Rejection of Claims 1-16, 31-33, 35-36, and 38-40**

The Examiner rejected Claims 1-16, 31-33, 35-36, and 38-40 under U.S.C. § 102(e) as being unpatentable over Gutfreund (U.S. Patent No. 6,665,835). While Applicants respectfully traverse the rejections, Applicants have amended the claims to expedite prosecution.

Independent Claims 1, 9, 31, and 32 have been amended to recite a marker file which is separate from the streaming media file after association of the static media file and the streaming media file. For example, Claim 1 now recites "wherein the *time marker is stored outside the streaming media file after associating* the static media file with the time marker and the streaming media file." Similar amendments were made of Claims 9 and 31. Claim 32 has been amended to recite a "content definition file [which] includes the *time markers and an access path* for the streaming media file." Thus, the time markers are in a file with the file *location* of the streaming media file, not within the streaming media file itself. As discussed above, these amendments were not made earlier because Applicants did not anticipate the Examiner's interpretation of the claims.

These amendments are supported by the original specification and drawings. For example, the specification states that "the invention enables changes to be made to a mixed-media presentation without creating a new video data file." (Page 3, lines 14-16) Also, the specification states that "[t]he apparatus of the invention, as well as the associated methods, utilize non-destructive techniques to synchronize media files, wherein static media files and

transcript files synchronization to a streaming media file occurs without any destructive changes being made to the streaming media file itself.” (Page 6, lines 1-6) The term “destructive” is defined earlier in the specification “[b]y stating that this method is destructive, it is meant that it permanently changes the video data file (for instance).” (Pages 2, line 24 – page 3, line 2) Also, figures 6A and 6B, and the accompanying text, disclose a content definition file which includes the time markers and the *path* to the streaming media file. Thus, the content definition files that include the time markers do not alter the video file in the association step; rather they only link to the video file.

As the Examiner stated in the Response to Arguments section of the office action, “Gutfreund discloses a method in which *initially* the time markers are stored in a separate file, external to the streaming media file.” (Second Office Action at p.10) With the current amendments, Applicant has limited the claims to time markers external to the streaming media file “*after associating* the static media file with the time marker and the streaming media file.”

Only the present Application recognizes the advantages of not embedding time markers in the streaming media file. “[T]he invention enables changes to be made to a mixed-media presentation without creating a new video data file.” (Page 3, Lines 15 – 16) This avoids the situation where “if it is desired to reuse some portion of the previous files, then the user must start from scratch and embed new data into a fresh video data file.” (Page 3, Lines 2 - 5) Thus, processing time is substantially reduced.

Figure 3 of the Gutfreund patent illustrates the combination of the time stamps with the video data into an output file. “Using Netshow, *the AVI file and the time stamp logfile are combined* to create the *required* ASF file 340.” (Gutfreund, Col. 5, Lines 50 – 51). Additionally, Figure 5 of the Gutfreund patent highlights the embedding of the time stamps within the video data stream in the step labeled “generate video stream with encoded time stamps 530.” “Having the appropriate video and corresponding related content now being properly time-stamped, a video stream is generated at step 530 with the time stamps now encoded in the AVI movie.” (Gutfreund, Col 7, Lines 38-41).

While Examiner has cited a portion (Col. 2, lines 37-51) of the Gutfreund patent which discusses the existence of a distinct time marker file, this time marker file is used to create a video file with *embedded* time stamps. “The file is made available to an application to allow the time related components to be processed according to the status of the movie. A video stream is

then generated including the movie *with captured time stamp encoded therewith.*” (Gutfreund, col 2, lines 51-53).

Applicant believes that independent Claims 1, 9, 31, and 32, as currently amended, are allowable over Gutfreund. Dependent Claims 2-8, 9-16, 33, 35-36, and 38-40 depend on these independent Claims and add features of particular utility, and are thus also allowable.

#### **Obviousness Rejections of Claims 17-18, 20-21, 23 and 34**

The Examiner rejected Claims 17-18, 20-21, 23 and 34 under U.S.C. § 103(a) as being unpatentable over Gutfreund (U.S. Patent No. 6,665,835) in view of Srinivasan, et al., U.S. Patent No. 6,357,042., filed on Jan 22, 1999 (hereinafter Srinivasan).

Independent Claims 17 and 21 have been amended to expedite the prosecution of these Claims. Claim 17 now recites “storing the unique address of each sync frame in the content definition file, wherein the *content definition file is separate from the streaming media file after associating* the static media file with the sync frames and the streaming media file.” Similarly, Claim 21 now recites “wherein the unique address of the sync frame is stored in *a marker file distinct from the streaming media file after associating* the static media file with the sync frame and the streaming media file.” Claim 32, from which Claim 34 depends, has also been amended as discussed above. These amendments are supported as discussed above in reference to Claims 1, 9, 31, and 32.

The Examiner states that Srinivasan “discloses a method in adding static metadata to a streaming media presentation can be accomplished by using a timestamp based on video frames.” However, as stated by the Examiner, the Srinivasan reference uses *embedded* markers, like the Gutfreund reference. “The authoring stations annotate created metadata with presentation time stamps (PTS) from the main video stream, and the multiplexer relates the metadata to the main video stream by the PTS signatures.” (Srinivasan, abstract) Thus, both Srinivasan and Gutfreund references teach only the use of a video stream with embedded time stamps.

Thus, Applicant submits that Claims 17, 21 are now in condition for allowance. Claims 18, 20, and 23 depend from these claims and add features of particular utility. Claim 34 depends from Claim 32, which Applicant submits is also allowable over the combination of Srinivasan and Gutfreund. Thus, Applicant requests allowance of Claims 17-18, 20-21, 23 and 34.

### **Obviousness Rejection of Claim 37**

The Examiner rejected Claim 37 as obvious over Gutfreund in combination with Microsoft Press Computer Dictionary, published 1997. Applicant has amended independent Claim 32, from which Claim 37 depends. Microsoft Press does not remedy the deficiencies of Gutfreund, and therefore Applicant submits that Claim 37 now stands in condition for allowance. Further, Claim 38 is now dependent from Claim 37, and should also be allowable as it adds features of particular utility.

### **Conclusion**

In view of the foregoing amendments and remarks, Applicant submits that this application, as amended, is in condition for allowance and such action is respectfully requested. If any issues remain or require further clarification the Examiner is respectfully requested to call Applicant's counsel at the number indicated below in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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